

House Bill 5331
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (CS)	CONFERENCE
<p>SECTION 1. Section 2054.603, Government Code, is amended by adding Subsection (e) to read as follows:</p> <p><u>(e) Contract language in a cybersecurity insurance contract or other contract for goods or services prohibiting or restricting a state agency's or local government's compliance with this section or otherwise circumventing the requirements of this section is void and unenforceable.</u></p>	<p>SECTION 1. Same as House version.</p>	
<p>SECTION 2. Section 2252.909, Government Code, as added by Chapter 1008 (H.B. 2518), Acts of the 88th Legislature, Regular Session, 2023, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:</p> <p>(b) <u>Except as provided by Subsection (b-1), a [A] lease</u> between a governmental entity and another person regarding public property must contain lease terms requiring the person to:</p> <p>(1) include in each contract for the construction, alteration, or repair of an improvement to the leased property a condition that the contractor:</p> <p>(A) execute a payment bond that conforms to Subchapter I, Chapter 53, Property Code; and</p> <p>(B) execute a performance bond in an amount equal to the amount of the contract for the protection of the governmental entity and conditioned on the faithful performance of the contractor's work in accordance with the plans, specifications, and contract documents; and</p> <p>(2) provide to the governmental entity a notice of commencement consistent with this section at least 90 days before the date the construction, alteration, or repair of any improvement to the leased property begins.</p>	<p>No equivalent provision.</p>	

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<p><u>(b-1) The requirement that a lease must contain a term requiring notice of commencement to a governmental entity under Subsection (b)(2) does not apply to a lease between an institution of higher education, as defined by Section 61.003, Education Code, and another person regarding public property.</u></p>		
<p>SECTION 3. Section 2054.603(e), Government Code, as added by this Act, is intended to clarify rather than change existing law.</p>	<p>SECTION 2. Same as House version.</p>	
<p>SECTION 4. Section 2252.909, Government Code, as amended by this Act, applies only to a lease between a governmental entity and another person regarding public property that is entered into on or after September 1, 2025.</p>	<p>No equivalent provision.</p>	
<p>SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2025.</p>	<p>SECTION 3. Same as House version.</p>	